


BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners

From: Herbert W.A. Thiele, Esq. 
County Attorney

Date: February 9, 2004

Subject: Memorandum from Commissioner Grippa Regarding Senate Bill 488/Board of County Commissioners Action of January 27, 2004

This memorandum is being generated in response to the memorandum from Commissioner Tony Grippa to the Board of County Commissioners, dated January 29, 2004, and our subsequent conversations with Commissioner Grippa regarding his objection to the Board's decision to support of SB 488, concerning the Northwest Florida Water Management District taxation issue. Specifically, Commissioner Grippa has inquired as to whether or not the action taken by the Board at the meeting of January 27, 2004, on an item raised by Commissioner Maloy during the Commission Discussion Items section, was in violation of the Board's Rules of Procedure.

As you know, the County Attorney's Office is designated in the Rules of Procedure (Policy No. 01-05) as the Parliamentarian and interpreter of the Board's Rules of Procedure.

The issue of discussion items by Commissioners is set forth in Section V "Order of Business," Paragraph I "Discussion Items by Commissioners," in the Rules of Procedure set forth in said Policy. In that Section, the Policy states that "[t]he Board shall take no policy action without an agenda item, unless such is accomplished through a unanimous vote of the Board." It appears from the follow-up that there was a consensus/unanimous position of the Board to send the letter of support for SB 488 at the meeting. However, Commissioner Grippa's position is that it was known to members of the Board that he was not in accord with such action and thus, there would not have been a unanimous vote of the Board had he been able to be physically present at the Board Meeting. Further, it has been the past practice of the Board to agenda substantive matters on which there is to be a vote or position to be taken, prior to any further consideration by the Board of County Commissioners.

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It is our opinion that the support or opposition to this Senate Bill 488 should have been deemed to be a substantive matter and that we failed to recognize same and require that it be scheduled for an upcoming meeting of the Board of County Commissioners. Therefore, we believe this matter should be again scheduled for discussion and a vote by the Board of County Commissioners at an upcoming meeting in February.

We have also advised Commissioner Grippa that any action of the Board taken at a previous meeting, whether unanimous or not, can be the subject of a motion to rescind the prior action, which, if seconded, could be approved on a majority vote. Thereafter, the matter would be back on the floor again for further debate and vote by the Board.

If you have any further questions with regard to this matter, please contact the County Attorney's Office.

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Enclosures

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Chairman Tony Grippa
From: Herbert W.A. Thiele, Esq.
County Attorney
Date: September 11, 2003
Subject: Creation of Board of County Commissioners' Agenda

In our capacity as the Board's Parliamentarian, the County Attorney's Office wishes to bring to your attention an ongoing problem with the formation of the agendas for the Board's regular meetings.

Specifically, the Board's practice, as well as our rules, require that individual Commissioners who wish to have items placed before the Board for its consideration must, in advance, seek the Board's specific vote or approval in placing the matter on the agenda.

In the past few months, there has been a tendency by individual Commissioners to place substantive, written items on the agenda for actual Board consideration, even though those matters had not been first presented to the entire Board for approval to place the matter on the agenda. It is our recommendation that this practice be addressed and that the prior policy of requiring a Board authorization to place matters on the agenda (unless it is a matter specifically required as part of the duties and responsibilities of the Chairman, Administrator, or County Attorney) be reemphasized and reestablished.

If you have any questions, please call me at 487-1008.

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